

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/8/2021

JENISA ANGELES, on behalf of herself and all others
similarly situated,

Plaintiff,

-against-

BOBSWEEP USA,

Defendant.

1:20-cv-06517-MKV

ORDER OF DISMISSAL

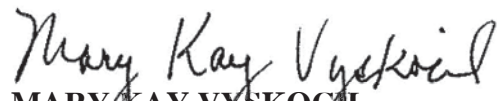
MARY KAY VYSKOCIL, United States District Judge:

The Complaint in this action was filed on August 17, 2020. [ECF No. 1.] On January 6, 2021, the Court issued an Order directing Plaintiff to serve the summons and Complaint on Defendant on or before February 5, 2021. [ECF No. 5.] The Court warned that if service had not been made by that date, and if Plaintiff failed to show cause why service has not been made, the Complaint will be dismissed for failure to prosecute. [ECF No. 5.] To date, Plaintiff has not filed proof of service or otherwise taken any action to prosecute the case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **March 10, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Dated: February 8, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge